

MINUTES OF THE STANDING COMMITTEE ON ENERGY AND TECHNOLOGY

Thursday, October 20, 2005 9:00 a.m. Room 519 House Office Building, Lansing

Representative Nofs, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives Nofs, Proos, Drolet, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (18/19)

ABSENT/EXCUSED: Representative Huizenga. (1/19)

The Chair laid HB 5237 before the Committee.

HB 5237 Nofs Communications; telecommunications; general amendments;
provide for.

At 9:19 a.m., Chair Nofs stated that the Committee would stand at ease.

The Chair reconvened the meeting at 10:10 a.m.

Chair Nofs read in the following cards submitted for HB 5237:

Scott Stevenson, representing the Telecommunications Association of Michigan, in support

Ronald Richards, representing All Tel Communications, in support of H-2 substitute

Jim Murray, representing SBC, in support of H-2 substitute

Shelly Stahl, representing TDS Metrocom, in support of H-2 substitute

Jody Vanderveen, representing COVAD Communications Company, in support of H-2 substitute

Jerry Finefrock, representing Talk America, in support of H-2 substitute

Terry Vanderveen, representing XO Communications, in support

Colleen McNamara, representing the Michigan Cable Telecommunications Association, in support

Brad Biladeau, representing the Michigan Association of School Administrators, in support

Bonnie Bochniak, representing the Michigan Business and Professional Associations, in support of H-2 substitute

Larry Handley, representing the Communications Workers of America, in support of H-2 substitute

Scott Opperman, representing Oakland County, in opposition to Section 252

Tom Harkson and Ben Bodkin, representing the Michigan Association of Counties, in opposition to H-2 substitute

Joe Fivas, representing the Michigan Municipal League, in opposition to Section 252
Barry Cargill, representing the Small Business Association of Michigan, in opposition to H-2 substitute
Bill Knox, representing AARP Michigan, in opposition to H-2 substitute
Kevin Schoen, representing ACD.NET/MBCC, in opposition
Todd Gardner, representing Iserv Company, in opposition to Section 9, page 32
SEMCOG in opposition to Section 252
David Bertram, representing the Michigan Townships Association, in opposition to H-2 substitute
Mark Iannuzzi, representing Tel Net Worldwide, neutral on the bill

Representative Proos made a motion to adopt HB 5237 (H-2), supported by Representative Accavitti.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Garfield, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (16/19)

Nays: None. (0/19)

Pass: Representatives Emmons, Moore. (2/19) (16/0/2)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Accavitti made a motion to amend HB 5237 (H-2), supported by Representative Murphy, as follows:

1. Amend page 22, following line 8, by inserting:

“SEC. 211A. A PROVIDER OF ANY TELECOMMUNICATION SERVICE UTILIZING A NEW OR EMERGING TECHNOLOGY SHALL REGISTER WITH THE COMMISSION. THE REGISTRATION SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

- (A) THE NAME OF THE PROVIDER.**
- (B) A DESCRIPTION OF THE SERVICES PROVIDED.**
- (C) THE ADDRESS AND TELEPHONE NUMBER OF THE PROVIDER’S PRINCIPAL OFFICE.**
- (D) THE ADDRESS AND TELEPHONE NUMBER OF THE PROVIDER’S REGISTERED AGENT AUTHORIZED TO RECEIVE SERVICE IN THIS STATE.**
- (E) ANY OTHER INFORMATION THE COMMISSION CONSIDERS NECESSARY.”.**

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (17/19)

Nays: None. (0/19)

Pass: None. (0/19) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Hopgood made a motion to amend HB 5237 (H-2), supported by Representative Hunter, as follows:

1. Amend page 28, following line 17, by inserting:

“(3) A LICENSE ISSUED UNDER THIS ACT IS NOT TRANSFERABLE TO AN UNLICENSED PROVIDER.”.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (17/19)

Nays: None. (0/19)

Pass: None. (0/19) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Emmons made a motion to amend HB 5237 (H-2), supported by Representative Garfield, as follows:

1. Amend page 28, following line 17, by inserting:

“(4) IN CASE OF THE BANKRUPTCY OF A LICENSED PROVIDER, THE COMMISSION SHALL ESTABLISH THE PROCEDURES FOR THE TRANSFER OF THE LICENSE TO ANOTHER QUALIFIED PROVIDER.”.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Stahl, Baxter, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (15/19)

Nays: None. (0/19)

Pass: Representatives Palsrok, Moore. (2/19) (15/0/2)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Mayes made a motion to amend HB 5237 (H-2), supported by Representative Dillon, as follows:

1. Amend page 41, following line 2, by inserting:

“(3) AT NO CHARGE, A PROVIDER SHALL GIVE EACH CUSTOMER THE OPTION OF HAVING THE CUSTOMER’S TELEPHONE NUMBER UNLISTED.”.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Stahl, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (15/19)

Nays: Representative Palsrok. (1/19)

Pass: Representative Baxter. (1/19) (15/1/1)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Baxter made a motion to amend HB 5237 (H-2), supported by Representative LaJoy, as follows:

1. Amend page 38, following line 14, by inserting:

“SEC. 305B. A PROVIDER OF ANY TELECOMMUNICATION SERVICE SHALL DO ALL OF THE FOLLOWING:

(A) PRIOR TO THE CUSTOMER PURCHASING THE SERVICE OR UPON REQUEST, PROVIDE EACH CUSTOMER A CLEAR AND SIMPLE EXPLANATION OF THE TERMS AND CONDITIONS OF THE SERVICES PURCHASED BY THE CUSTOMER INCLUDING, BUT NOT LIMITED TO, A STATEMENT OF ALL FEES, CHARGES, AND TAXES THAT WILL BE INCLUDED IN THE CUSTOMER’S MONTHLY BILL.

(B) THE STATEMENT REQUIRED UNDER SUBDIVISION (A) AND ALL ADVERTISEMENTS REGARDING A SERVICE SHALL INCLUDE A GOOD FAITH ESTIMATE BY THE PROVIDER OF THE ACTUAL MONTHLY COST THAT THE CUSTOMER WILL BE REQUIRED TO PAY IF THE SERVICE IS PURCHASED.

(C) COMPLY WITH ALL FEDERAL AND STATE REQUIREMENTS REGARDING TRUTH IN BILLING, E 9-1-1 SERVICES, AND PRIMARY BASIC LOCAL EXCHANGE SERVICE.

(D) IF E 9-1-1 SERVICE IS NOT AVAILABLE TO THE CUSTOMER, ENSURE THAT THE CUSTOMER HAS AN ALTERNATIVE MEANS TO REACH EMERGENCY SERVICE RESPONDERS.

(E) COMPLY WITH SECTIONS 505 AND 507.”.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (17/19)

Nays: None. (0/19)

Pass: None. (0/19) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Hunter made a motion to amend HB 5237 (H-2), supported by Representative Accavitti, as follows:

1. Amend page 44, line 10, after "section.", by inserting "**A CUSTOMER MAKING A FILING UNDER THIS SECTION SHALL RETAIN THE TELEPHONE NUMBER ASSIGNED TO THE CUSTOMER ON THE DATE OF THE FILING.**".

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (17/19)

Nays: None. (0/19)

Pass: None. (0/19) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Stahl made a motion to amend HB 5237 (H-2), supported by Representative Garfield, as follows:

1. Amend page 61, following line 5, by inserting:
"**(I) IF A DISPUTE EXISTS BETWEEN A CUSTOMER AND THE PROVIDER, DISCONNECT SERVICE TO THE CUSTOMER BEFORE THE RESOLUTION OF A DISPUTE.**".

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (17/19)

Nays: None. (0/19)

Pass: None. (0/19) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Proos made a motion to amend HB 5237 (H-2), supported by Representative Schuitmaker, as follows:

1. Amend page 29, line 2, after the second “AND” by inserting “MAY BE”.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (17/19)

Nays: None. (0/19)

Pass: None. (0/19) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Nofs made a motion to amend HB 5237 (H-2), supported by Representative Stahl, as follows:

1. Amend page 32, line 11, after “call.” by striking out “A” and inserting “EFFECTIVE DECEMBER 31, 2007, A”.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (17/19)

Nays: None. (0/19)

Pass: None. (0/19) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Clemente made a motion to amend HB 5237 (H-2), supported by Representative Hopgood, as follows:

1. Amend page 54, following line 13, by inserting:
“(5) AT NO CHARGE, AN OPERATOR SERVICE PROVIDER SHALL IMMEDIATELY CONNECT A PERSON MAKING AN EMERGENCY CALL TO AN EMERGENCY RESPONDER SERVICE.”.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (17/19)

Nays: None. (0/19)

Pass: None. (0/19) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Proos made a motion to report HB 5237 (H-3) with recommendation, supported by Representative Accavitti.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Garfield, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente. (16/19)

Nays: None. (0/19)

Pass: Representatives Emmons, Moore. (2/19) (16/0/2)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Garfield made a motion to adopt the minutes of the meeting of October 19, 2005, supported by Representative Stahl. No objections being offered, a unanimous ballot was cast to accept the minutes as presented.

Representative Hunter made a motion to excuse absent members, supported by Representative Schuitmaker. No objections being offered, absent members were excused.

There being no additional business before the Committee, Chair Nofs declared the meeting adjourned, the time being 10:55 a.m.

Representative Mike Nofs, Chair

Catherine Petroskey, Committee Clerk
(517) 373-8538

